



# CITY OF MEMPHIS

## COUNCIL AGENDA

March 9, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

---

**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (February 23, 2010)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATIONS AND RECOGNITION OF VISITORS**

1. RESOLUTION recognizing Mr. Fred Jones as recipient of the 2010 Arthur S. Holmon Lifetime Achievement Award which was presented by the University of Memphis Black Student Association.

Fullilove

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION honoring Stan Bell for his good works and positive impact in the community.

Ford

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION thanking Sandy Rutherford for her service to the Memphis City Council.

Collins

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS** (None)

**DIVISION OF PLANNING & DEVELOPMENT**

4. RESOLUTION approving a special use permit located on the southeast side of Channel Avenue, +/-960.12 feet south of Jack Carley Causeway, containing 4.0 acres in the Heavy Industrial (I-H) District.

Ford

Case No. SUP 10-201

Applicant: Progress Rail Services  
Todd Jones – Representative

Request: Scrap Metal Processing Yard

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

5. RESOLUTION approving a special use permit located on the north side of Knight Arnold Road; ±150 feet east of Mendenhall, containing 0.95 acre in the Local Commercial (C-L) District.

Ford

Case No. SUP 10-203

Applicant: Tower Ventures V, LLC & TV6-W, LLC  
Billy Orgel – Representative

Request: Cell tower, 120 ft. monopole, standard design

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

6. RESOLUTION approving a special use permit located on the west side of Ramill Road at Twin Lakes Drive, containing 1.30 acres in the Single Family Residential (R-S8) District.

Ford

Case No. SUP 10-205

Applicant: H & M Carter, Inc.  
Doveland Engineering Company

Request: Special use permit to allow a day care center

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

7. RESOLUTION adopting the South Memphis Revitalization Action Plan.  
Ford

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCE – THIRD AND FINAL READING** (None)



# CITY OF MEMPHIS

## COUNCIL AGENDA

March 9, 2010

Public Session, Tuesday, 3:30p.m.

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

---

## CONSENT AGENDA

### GENERAL ORDINANCES - FIRST READING

8. **ORDINANCE** amending City of Memphis Code of Ordinances, Section 20-28, relative to Panhandling, up for F I R S T reading.

Lowery

Ordinance No. 5348

ACTION REQUESTED: Adopt the ordinance on First reading

9. **ORDINANCE** to create the City of Memphis Alcohol Impact Area, up for F I R S T reading.

Lowery

Ordinance No. 5349

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCES - SECOND READING

10. **ORDINANCE** amending Chapter 2 Code of Ordinances, City of Memphis, to amend certain sections of 2-291 relating to Real Property, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5346

ACTION REQUESTED: Adopt the ordinance on Second reading

11. **REFERENDUM ORDINANCE** to amend the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, as amended, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) so as to repeal the procedure staggered terms and to provide for the Election of the Memphis City Council, Office of the Mayor and City Court Clerk, to Four-Year Terms, up for S E C O N D reading.

Strickland

Ordinance No. 5347

ACTION REQUESTED: Adopt the ordinance on Second reading

**ZONING ORDINANCE - FIRST READING**

12. **ORDINANCE** rezoning the northwest side of S. Third Street; +/-191.93 feet northeast of W. Holmes Road, containing 1.21 acres in the Single Family Residential (R-S6) and Highway Commercial (C-H) Districts, up for F I R S T reading.

Ford

Ordinance No. 5350  
Case No. Z 10-101

Applicant: Howard and Lawrence Lipman  
SR Consulting, LLC - Representative

Request: Highway Commercial (C-H) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

**ZONING ORDINANCE - SECOND READING** (None)

**ENGINEERING**

13. RESOLUTION approving final plat of WHITTEN I-40 P.D., PHASE 20.

Case No. PD 05-320  
Contract No. CR-5154

Resolution approves the final plat located on the north side of Century Center Parkway, west of Whitten Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION approving final plat of WHITTEN I-40 P.D., PHASE 21.

Case No. PD 05-320

Resolution approves the final plat located on the north side of Century Center Parkway, west of Whitten Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION accepting STONEBRIAR P.D., PHASE 4, AREA 6 and authorizing release of bond.

Case No. PD 03-335cc  
(Contract No. CR-4865)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Shades Valley Place, south of East Holmes Road. The standard improvement contract was approved on July 4, 2004. Resolution also authorizes the release of the cashier's check in the amount of \$51,000.00. This action is subject to County approval.

City Engineer recommends approval

**ACTION REQUESTED:** Adopt the resolution

**NOTATION FROM OPD**

16. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. **Case No. PD 10-301** – Memphis Depot Business Park P.D., Amended

Located on the northwest corner of Airways Boulevard and Memphis Depot Parkway, containing 11.02 acres in an area currently governed by Memphis Depot Business Park Planned Development (P.D. 04-378)

**Applicant:** Depot Redevelopment Corporation  
SR Consulting, LLC - Representative

**Request:** Plan amendment to add a parcel for a new Area 'A-3' to allow office use; increase the Common Open Space in Area 'B-3' for future detention; including the location of a pump house in Area 'C-2' of the Outline Plan

LUCB and OPD recommendation: **APPROVAL**, with conditions

**ACTION REQUESTED:** Set a date of public hearing

**SUGGESTED DATE:** March 23, 2010



# CITY OF MEMPHIS

## COUNCIL AGENDA

March 9, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

---

### MLGW FISCAL CONSENT

17. RESOLUTION approving Change No. 4 to Contract No. 11072, MLGW Employee Assistance Program, with Methodist Healthcare, Inc. in the funded amount of \$28,500.00. (This extends the current contract for a one-year term, April 1, 2010 to March 31, 2011).
18. RESOLUTION approving exercise of option to extend contract for the third and final 12-month renewal covering the period March 24, 2010 to March 23, 2011, for various sizes of rotary and diaphragm gas meters, with the following:
- |                                    |                       |
|------------------------------------|-----------------------|
| Elster American Meter Company..... | \$1,147,810.00        |
| Romet International LTD.....       | <u>332,918.00</u>     |
| Total.....                         | <u>\$1,480,728.00</u> |
19. RESOLUTION awarding contract to Venture Technologies for the Deployment of Project for a Wireless Network (Phase I) in the amount of \$49,930.54.
20. RESOLUTION approving contract between MLGW and GDS Associates, Inc. for professional consulting services to assist MLGW with preparation for NERC registration, process and procedure implementation, technical studies and evaluations, and readiness assessment, in an amount not to exceed \$120,000.00.
21. RESOLUTION approving and ratifying an agreement and amendments between MLGW (acting for itself and on behalf of the City of Memphis) and TVA providing arrangements pursuant to which TVA agrees to serve as the responsible party to the North American Electric Reliability Corporation (NERC) and the SERC Reliability Corporation (SERC) for MLGW's compliance with the NERC Functional Model Reliability Standards applicable to MLGW for the period beginning September 28, 2009 and ending April 30, 2010. TVA shall be paid an administrative fee of \$10,000.00 per month for the services provided for in the contract.
22. RESOLUTION approving Change No. 1 to Contract No. 11332, Short & Long Term Disability, with Unum Group in the funded amount of \$5,048,635.00. (This change renews the current contract for two additional terms, April 1, 2010 to March 31, 2012).

23. RESOLUTION approving Change No. 1 to Contract No. 11333, Group Term, Voluntary Life and Accidental Death and Dismemberment, with Unum Group in the funded amount of \$11,937,456.00. (This change renews the current contract for three additional terms, April 1, 2010 to March 31, 2013).
24. RESOLUTION approving Change No. 6 to Contract No. 11028, Security Services, with CDA, Inc. in the funded amount of \$630,409.78. (This change extends the contract for a 90-day period, April 1, 2010 to June 30, 2010, with no increase in rates and is contingent upon CDA's acceptance of the terms and conditions under the current contract).





# CITY OF MEMPHIS

## COUNCIL AGENDA

March 9, 2010

Public Session, Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

---

## REGULAR AGENDA

### GENERAL ORDINANCE -THIRD AND FINAL READING

25. **REFERENDUM ORDINANCE** amending Article 27, Section 190 of The Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, Pursuant to the Provisions of Article 11, Section 9 of the Constitution of the State of Tennessee Home Rule Amendment so as to require all persons employed by the City of Memphis, to live within Shelby County, Tennessee, up for T H I R D and F I N A L reading.  
Strickland Ordinance No. 5345

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

26. RESOLUTION authorizing and providing for the issuance, sale and delivery of not to exceed Seventy-Five Million Dollars (\$75,000,000.00) principal amount of City of Memphis, Tennessee Bond Anticipation Notes for the purpose of refunding certain outstanding Bond Anticipation Notes of the City.  
Morrison

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION authorizing and providing for the issuance, sale and delivery of not to exceed Eighty-Five Million Dollars (\$85,000,000.00) principal amount of City of Memphis, Tennessee General Improvement Bonds for the purpose of refunding certain outstanding Bond Anticipation Notes of the City.  
Morrison

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

**DIVISION OF HUMAN RESOURCES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES** (None)

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS** (None)

**GENERAL ITEM**

28. RESOLUTION supporting HB 2635 and encourages its passage by the State Legislature.  
Strickland

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ADD-ONS**

29. RESOLUTION approving a hotel waiver for Sun Inn located at 1543 Elvis Presley Boulevard.  
Ford Case No. HMW 10-01

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION supporting HB 3593 and SB 3388 creating a pilot project in Shelby County  
for a voluntary foreclosure mediation program.  
Strickland

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION supporting a payroll deduction option for City employees to donate to the MED.  
Strickland

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION to receive and appropriate \$42,000.00 from the United Way through the  
Foundation for the Library to fund a Database Manager position for the LINC 2-1-1 service of  
the Memphis Public Library and Information Center.  
Ware

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION to receive and appropriate \$17,940.00 from the Friends of the Memphis Public  
Library to fund Temporary Salaries in the Friends Second Editions Book Store in the Central  
Library of the Memphis Public Library and Information Center.  
Ware

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION sparing the Fairgrounds Arena Building from being demolished.  
Hedgepeth

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION requesting the Administration and the Public Services & Neighborhood Director  
to not consider any costs associated with the vehicle safety equipment examination in the FY  
2011 & O&M Budget proposal.  
Morrison

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN ON THE COUNCIL ON THIS DATE**

1. Approved
2. Held until March 23, 2010
3. Through 5 – Approved
6. Approved, as amended
7. Through 15 – Approved
16. Public Hearing Set for March 23, 2010
17. Through 24 – Approved
25. Failed
26. Through 28 – Approved
29. Held until March 23, 2010
30. Through 34 – Approved
35. Sent Back to Committee

**ACTION TAKEN ON THE MINUTES OF FEBRUARY 23, 2010 MEETING**

Approved

**ACTION TAKEN ON THE MINUTES OF ITEMS #20, #31, #32, #33 & #34 FROM TONIGHT'S MEETING**

Approved